

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

TRIVIA BUCKHAULTER

PLAINTIFF

VS.

CIVIL NO. 3:20-CV-00041-DPJ-JCG

**MID-AMERICA APARTMENT COMMUNITIES,
INC. and JOHN DOE COMPANY 1-5**

DEFENDANTS

ORDER DENYING DISCOVERY MOTIONS [54] [61]

BEFORE THE COURT is Defendant Mid-America Apartment Communities, Inc.'s (Mid-America's) Motion to Amend Case Management Order [54]. Plaintiff Trivia Buckhaulter has filed a Response [57] and Mid-America a Reply [59]. Buckhaulter has filed a Motion for Leave to File Surrebuttal [61]. Both Motions should be denied.

Local Uniform Civil Rule 7 provides:

A party must file a discovery motion sufficiently in advance of the discovery deadline to allow response to the motion, ruling by the court and time to effectuate the court's order before the discovery deadline.

L.U.Civ.R. 7(b)(2)(C).

Mid-America filed its Motion for extension of the discovery deadline on the day before the discovery deadline. Mid-America's Motion is denied under Local Rule 7(b)(2)(C) because it was not filed sufficiently in advance of the discovery deadline to allow response to the Motion, ruling by the Court, and time to effectuate the Court's order before the discovery deadline.

The Local Rules of this Court do not provide for the filing of a surreply as a

matter of right. See L.U. Civ. R. 7(b)(4) (providing only for the filing of a response and reply after a motion is filed). Indeed, “[s]urreplies are heavily disfavored by courts.” *Warrior Energy Servs. Corp. v. ATP Titan M/V*, 551 Fed.Appx. 749, 751 n.2 (5th Cir. 2014). The Court has not considered the arguments in Buckhaulters’ Motion for Leave to File Surrebuttal. Buckhaulters’ Motion for Leave to File Surrebuttal is denied

IT IS THEREFORE ORDERED that Defendant Mid-America’s Motion to Amend Case Management Order [54] is **DENIED**.

IT IS FURTHER ORDERED that Plaintiff Buckhaulters’ Motion for Leave to File Surrebuttal [61] is **DENIED**.

SO ORDERED, this the 19th day of October, 2020.

s/ John C. Gargiulo

JOHN C. GARGIULO
UNITED STATES MAGISTRATE JUDGE